

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DANIEL KLEEBERG, LISA STEIN,
and AUDREY HAYS,

Plaintiffs,

AFFIRMATION OF
ROBERT B. CALIHAN

v.

Civil Action No. 1:16-cv-09517

LESTER EBER; ALEXBAY, LLC f/k/a
LESTER EBER, LLC; ESTATE OF ELLIOTT W.
GUMAER, JR.; and WENDY EBER

Defendants,

and

EBER BROS. & CO., INC.;
EBER BROS. WINE AND LIQUOR
CORPORATION; EBER BROS. WINE
& LIQUOR METRO, INC.; EBER-
CONNECTICUT, LLC; EBER-RHODE
ISLAND, LLC; EBER BROS.
ACQUISITION CORP.; EBER-METRO,
LLC; SLOCUM & SONS OF MAINE, INC.,

Defendants.

ROBERT B. CALIHAN, an attorney duly admitted to practice law before this Court,
does hereby affirm the following under the penalties of perjury:

1. I am counsel for The Estate of Elliot W. Gumaer, Jr. ("Estate") in this proceeding.
This affirmation is made in further support of the Estate's motion for partial summary judgment
and in opposition to Plaintiffs' motion for partial summary judgment and to assist the Court in
determining the substance and scope of Plaintiffs' claims against the Estate.

2. I attach as Exhibit A a true and correct copy of the Third Amended Complaint in which every express reference to “Estate” and “Gumaer” is highlighted.

3. I attach as Exhibit B a true and correct copy of Plaintiffs’ Proposed Order (Dkt. 267-1) in which every express reference to “Estate” and “Gumaer” is highlighted.

Dated: December 23, 2019

/s/ Robert B. Calihan